

**Adirondack Council ♦ Adirondack Mountain Club ♦ American Littoral Society ♦ American Farmland Trust ♦ Citizens' Environmental Coalition ♦ Citizens Campaign for the Environment ♦ Environmental Advocates of New York ♦ Group for the East End ♦ Land Trust Alliance ♦ League of Women Voters of New York State ♦ Natural Resources Defense Council ♦ New York Farm Bureau ♦ New York State Association for Reduction, Reuse and Recycling ♦ New York Public Interest Research Group ♦ North Shore Land Alliance ♦ Parks & Trails New York ♦ Riverkeeper ♦ Sierra Club Atlantic Chapter ♦ Surfrider Foundation ♦ Wildlife Conservation Society**

**For Immediate Release: October 28, 2009**

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## **NEWS RELEASE**

### **DEPOSITS ON BOTTLED WATER TO BEGIN OCTOBER 31<sup>st</sup>**

#### **GREEN GROUPS SEE BIG BENEFITS FOR NY's ENVIRONMENT**

Environmental and community groups are eagerly looking forward to October 31<sup>st</sup>, when New York's 5-cent beverage container deposit law, known as the "Bottle Bill," will be expanded to include water bottles.

Advocates have been pushing state lawmakers to update New York's Bottle Bill since 2000 to keep up with changing consumer tastes. Hundreds of groups and tens of thousands of citizens joined in the campaign, including farmers, conservationists, community groups, recycling advocates, students, litter clean-up volunteers, local governments, and small businesses.

The law was finally updated this spring as part of the 2009-2010 state budget. But a lawsuit filed in federal court by representatives of the bottled water industry prevented the new law from going into effect.

In addition to expanding the state's 5-cent deposit on beer and soda containers to include water bottles, the new law also requires beverage companies to transfer 80% of the unclaimed deposits they collect to the state, and makes other changes to improve and update the program. These changes went into effect over the summer.

Advocates praised Governor David A. Paterson, State Senator Antoine Thompson, and State Assemblymember Bob Sweeney for their leadership in enacting the Bigger Better Bottle Bill, and Attorney General Andrew Cuomo and his staff for defending the law in the courts. They also praised U.S. District Judge Deborah Batts who ruled on the case.

## **ENVIRONMENTAL BENEFITS**

Starting October 31<sup>st</sup>, all containers of water sold in New York under a gallon in size will have a 5-cent refundable deposit. According to the Container Recycling Institute (CRI), more than 3.2 billion water bottles are sold each year in New York – nearly a quarter of the state’s total beverage sales. Water bottles are one of the most commonly found items littering New York’s shorelines and communities. Without a deposit, less than 20% of these bottles were being recycled. Instead, most of these containers have ended up in the trash or discarded along beaches, parks, and roadways.

Enacted in 1982, the Bottle Bill is New York’s most effective recycling and litter prevention program, with an average return rate of 70%. The expansion to include water bottles brings the law more up-to-date. As a result of expanding to include bottled water, nearly 90% of New York’s beverage containers are now covered under the Bottle Bill. The program still does not cover iced teas, sports drinks, juices, sugared waters, and other noncarbonated beverages that advocates had been pushing for.

The Container Recycling Institute estimates that the updated bottle bill has the potential to increase the recycling rate of water bottles from 14% to 77%. Because of the sheer volume of water bottles sold – 3.2 billion sold in New York in 2006 alone - the environmental benefits from increasing the recycling rate are significant. According to CRI’s analysis, more than 2 billion additional bottles will potentially be recycled each year rather than wasted as a result of the updated bottle bill, keeping an estimated 81,863 tons of material (mostly PET plastic) out of landfills and incinerators. The energy saved by recycling these additional containers is enough to power 43,660 households for an entire year. Recycling the additional containers will also avoid greenhouse gas emissions, equivalent to the annual emissions of 28,075 cars.

## **LEGAL BACKGROUND**

The updates to the Bottle Bill were signed into law on April 7<sup>th</sup>, 2009 as part of the adopted state budget, and were supposed to go into effect this spring. However, in May, U.S. District Judge Thomas Griesa delayed implementation of the new amendments until April 1, 2010 as a result of a lawsuit filed by the International Bottled Water Association (IBWA), Nestle Waters North America, and other water bottlers. The State asked the court to reconsider this decision.

On August 13<sup>th</sup>, U.S. District Judge Deborah A. Batts lifted the injunction on all the provisions of the new law that were not specifically challenged in the IBWA lawsuit. This allowed the increased handling fee (from 2 cents per container to 3.5 cents) and the transfer of 80% of the unclaimed deposits to the state to go into effect immediately. On October 23<sup>rd</sup>, Judge Batts lifted the injunction on the bottled water provisions, effective 11:59 p.m. October 30<sup>th</sup>. In addition, Judge Batts permanently enjoined one provision of the new law, a New York State-specific UPC labeling requirement, based on constitutionality issues.

While the expansion is set to go into effect on October 31<sup>st</sup>, the New York State Department of Environmental Conservation has announced a “grace period” until November 8, 2009, during which time stores can still sell water bottles that do not have the “New York 5-cents” label without being fined.

## **OTHER STATES’ LAWS**

Of the eleven states that have container deposit laws, New York is the sixth to include water bottles. Maine, Hawaii, and California require deposits on all non-carbonated beverages. Oregon began collecting deposits on water bottles on January 1<sup>st</sup> of this year, and Connecticut’s bottled water expansion went into effect October 1<sup>st</sup>. Campaigns to enact new bottle laws or expand existing ones are underway in at least eight states.

## **QUOTES**

“This is a long overdue change that will dramatically improve recycling rates and reduce litter,” said Laura Haight, senior environmental associate of NYPIRG. “People will be able to see the difference in their communities.”

“Thanks to the expansion of the bottle bill, our beach cleanup volunteers will notice a significant decline in the number of water bottles they find on our beaches and in our waterways,” said Barbara Toborg, Conservation Coordinator of the Northeast Chapter of the American Littoral Society.

“The expanded bottle deposit law will help control roadside and trailside litter in the Adirondack Park, and it will help to prevent injury to dairy cows and other farm animals in the park’s 22 agricultural districts,” said Adirondack Council Executive Director Brian L. Houseal. “Discarded plastic bottles too easily go unnoticed when farmers cut and bale hay and other animal feed, leading the cows and horses to accidentally swallow them along with the feed. Wildlife is also at risk when small pieces of plastic are scattered on farm fields.”

“The Surfrider Foundation is glad the tricks of the beverage industry are over and New Yorkers will be treated to cleaner oceans, waves, and beaches with the expanded deposit law in effect,” said Chris Wade of the New York City Chapter of the Surfrider Foundation.

“New Yorkers everywhere will benefit from cleaner beaches, cleaner parks, cleaner roads, cleaner waterways and reduced solid waste. This legislation benefits all New Yorkers, will reduce garbage disposal costs and protect our environment. Governor Paterson will leave a legacy of a cleaner New York because of his strong support in fighting for this legislation,” said Adrienne Esposito, Executive Director of Citizens Campaign for the Environment.

“The Land Trust Alliance and New York’s 85 community-based land trusts are proud to have supported the Bigger Better Bottle Bill. Now more than ever, an expansion of the Bottle Bill is the right thing to do – it will reduce municipal costs, generate revenue for the State, save taxpayers money, reduce greenhouse gas emissions, and reduce litter in the parks, beaches, and special places New Yorkers love,” said Ethan Winter, New York Conservation Manager, Land Trust Alliance.

“The long-awaited expansion of New York’s bottle bill will mean less litter in our state and local parks, in our waterways and along our highways, and it will provide significant revenue for the state,” said Robin Dropkin, Executive Director of Parks & Trails New York. “Governor Paterson and the Legislature should be commended for putting New York’s environment first.”

"The League of Women Voters is pleased that our years of advocacy have produced positive results. The expanded bottle bill will greatly enhance recycling, clean up our communities, and provide overdue funds to promote environmental programs for New York," said Roberta Wiernik, Natural Resources Specialist, League of Women Voters of New York State.

Saima Anjam, Program Associate for Environmental Advocates of New York said, “This easy and long overdue update to the original law will remove billions of bottles from our parks and waterways. New Yorkers want this update; we’ve waited long enough. The sooner the expansion goes into effect, the sooner we will have cleaner and healthier communities.”

“Thanks to Judge Batts’ decision, 90% of beverage containers sold in New York will now be covered by the Bottle Bill,” said Hudson Riverkeeper Alex Matthiessen. “This means higher recycling rates, less litter in our waterways and along our highways, and more funding for environmental protection.”

Martha Loew, chair of the Sierra Club Iroquois Group said, “A great victory and much thanks to all who worked so hard over the many years. This time it is not trick or treat! Thank you Governor Paterson.”

North Shore Land Alliance President Lisa Ott offered “Many thanks to everyone who kept the expansion of the Bottle Bill alive amidst significant challenges. This is legislation that needed to be enacted for our environment and for the future of New York State. There has never been a time when we needed it more.”

“The 2009 bottle bill expansion will help keep roadsides and farm fields free of bottles in rural New York,” said Jeff Williams, Deputy Director of Public Policy for New York Farm Bureau. “Farmers not only look forward to seeing the environmental benefits of having less litter on their property, they expect to see less animal health impacts from plastic water bottles being accidentally incorporated in livestock feed.”

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For more information, visit:

NYS Department of Environmental Conservation: [www.dec.ny.gov/chemical/8500.html](http://www.dec.ny.gov/chemical/8500.html)

NYPIRG: [www.nypirg.org/enviro/bottlebill/](http://www.nypirg.org/enviro/bottlebill/)

Container Recycling Institute: [www.bottlebill.org/](http://www.bottlebill.org/)